

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Southeastern Behavioral Center  
Accountability Review Report 2010**

**Team Members:** Donna Huber, Team Leader; and Linda Shirley, Education Specialist

**Dates of On Site Visit:** May 19, 2010

**Date of Report:** August 17, 2010

3 month update due: November 17, 2010

Date Received: November 16, 2010

6 month update due: February 17, 2011

Date Received: February 14, 2011

9 month update due: May 17, 2011

Date Received:

Closed: March 24, 2011

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
  - Needs assistance in implementing the requirements of Part B of the Act'
  - Needs intervention in implementing the requirements of Part B of the Act; or
  - Needs substantial intervention in implementing the requirements of Part B of the Act.
- (Reference-ARSD 24:05:20:23.04.)

### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1) GENERAL SUPERVISION**

**Present Levels:** October 28, 2004

### **ARSD 24:05:30:04. Prior notice and parent consent.**

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services.

The reviewers found in three of nine files that evaluations were not conducted in the 25 day timelines. Consent was received by the parents at the annual IEP meeting but Southeastern Behavioral staff conducts evaluations throughout the entire year. The prior notices did not contain all areas being tested. The reviewers found functional assessment was being completed, but it was not addressed on the prior notice.

### **ARSD 24:05:30:05. Content of notice.** The notice must include the following:

(1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected; (2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal; (3) A description of any other factors which are relevant to the district's proposal or refusal;

(4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and Sources for parents to contact to obtain assistance in understanding the provisions of this article.

The reviewers found the prior notices used by Southeastern Behavioral were not filled out completely in six of nine files. The agency needs to address all areas on the prior notice form sent to the parents.

**Follow-up: May 19, 2010**

**Finding:**

Prior Notice continues to be an area of concern for Southeastern Behavioral. The agency was not using the current state approved Prior Notice forms in any of the six files reviewed.

Through file review, Prior Notice/ Consent for evaluation were not consistently found in the student files. When the Prior Notice Consent for evaluation was located, the prior notice did not provide a clear statement of what was being purposed. For example, the Prior Notice consent found in file 4 appeared to be the prior notice consent for evaluation and the prior notice for the IEP meeting. In this file it also appeared that the team had agreed "no additional evaluation is needed because adult psychological was already completed. Team agreed to use current results." But then on the front of the Prior Notice the team had marked "Autism" as an area of concern. This gave the impression an autism evaluation will be conducted. During the eligibility process the team had brought forth the 2007 Autism evaluation. A similar situation occurred in file 3. In file three the Prior Notice Consent indicated the purposed areas of evaluation were adaptive behavior, cognitive, emotional status, transition, speech and language and brings forth the 2004 autism evaluation results. Then when reviewing the eligibility document, the team used all previous evaluation results.

The prior notice consent for evaluation must reflect clearly what evaluations the team has agreed to bring forth, what additional evaluations the team proposes to complete to determine continued eligibility and help develop an IEP which will provide benefit for the student's needs. A parent must be provided a clear understanding what area will be evaluated. A Prior Notice for an IEP meeting must also provide the parent a clear understanding the purpose of the meeting.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> <ol style="list-style-type: none"> <li>1) SE will consistently use state approved Prior Notice Consent for obtaining parental consent into the evaluation process.</li> <li>2) SE will consistently maintain Prior Notice Consent for evaluation in the student file located at SE.</li> <li>3) SE will consistently maintain Prior Notices for IEP meeting.</li> </ol>	June 4, 2011	Special Education Staff	Met February 14, 2011
<b>Data Collection:</b> <ol style="list-style-type: none"> <li>1) Each SE special education teacher will submit one Prior Notice Consent for evaluation and one prior notice for an IEP meeting to the team leader.</li> </ol>	June 11, 2010	Special Education Staff	
<b>Activity/Procedure:</b> <ol style="list-style-type: none"> <li>2) SE will ensure special education staff receives training in the area Prior Notices.</li> </ol> <b>Data Collection:</b> <ol style="list-style-type: none"> <li>2) SE will submit the names of those attending the training, the date of the training and the presenter.</li> </ol>			Met November 16, 2010

### **3 month Progress Report:**

- 1) In the two files SE Behavioral Center submitted, the Prior Notice consent which was used

for consent for evaluation had all the required state content and was completed satisfactorily. Both Prior Notices for the meetings were not the state approved form as it did not contain all federally required content. TA was provided 1/6/11.

- 2) Training was conducted on May 25, 2010 by Donna Huber, Ed. Spec. The following staff members were present: Shana Legg, Heidi Hewitt, Mary Noteboom, and Michelle Jackson. The following staff members attended the IEP workshop conducted by Chris Sargent, Rita Pettigrew and Joan Ray on January 5, 2011: Michelle Jackson, Shana Legg and Becky Stassi. **Completed 11/16/10.**

#### **6 month Progress Report:**

- 1) SE is using Prior Notices for Consent and for meetings which contain all federally required content and the PN are completed satisfactorily. Prior notices are currently maintained in the student files. **Completed 2/14/11**
- 2) Completed 11/16/10

#### **9 month Progress Report:**

### **2) GENERAL SUPERVISION**

**Present levels:** October 28, 2004

**ARSD 24:05:29:07. List of types and locations of information.** Each school district shall provide parents on request a list of the types and location of education records collected, maintained, or used by the district.

Student files at Southeastern Behavioral did not specify where other locations of student information could be found.

**Follow-up: May 19, 2010**

#### **Finding:**

Southeastern Behavioral Center has corrected this issue and has maintained a list of types and location of information in the student files. No findings.

### **3) GENERAL SUPERVISION**

**Present levels:** October 28, 2004

**ARSD 24:05:27:13.02. Transition services.** Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

The team reviewed student files and found that transition components for secondary IEPs and IEP related issues were not being completed. The course of study was not identified in eight of nine files. Southeastern Behavioral does not have a standard curriculum for any of their subjects. Through teacher interviews it was explained that there is not a standard curriculum in the agency. Some home school districts send their curriculum to Southeastern to use. If this does not occur, each teacher then must develop their own curriculum based on each student's educational needs.

**Follow-up: May 19, 2010**

**Finding:**

Transition continues to be an area of concern. In the four of five files reviewed that required transition evaluations to be conducted, there were no transition evaluations conducted. This resulted in no written report summarizing the transition results. Instead the agency used I-POPS (Individual Plan of Protective Oversight) which addressed primarily Home Living but does not address the areas of Community Participation, Employment, Recreation and Leisure and Post Secondary Education which are required to be addressed for the purpose of transition planning. The information gained from the I-POPS provides great additional skill based information that could also be included in the transition report. Skill based information gained from a transition evaluation and the I-POPS can then be brought forth into the Present Levels of Academic Achievement and Functional Performance (PLAAFP) page of the IEP in order to aid in the develop of the IEP.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> 1) Southeastern Behavioral Center will conduct transition evaluations for each student by the time the student is 16 years old and will summarize the results in a report form which will be shared with the placing agency and the parent/guardian. <b>Data Collection:</b> 1) Each of SE's special education teachers that works with transition age students will submit to team leader one transition report summarizing the results of the transition assessment.	June 11, 2011	Special Education Staff	Met February 14, 2011
<b>Activity/Procedure:</b> 2) Southeastern Behavioral Center will reflect the transition strengths and needs from the transition evaluation on the PLAAFP page and use this information to develop the IEP. <b>Data Collection:</b> 2) Each SE special education teacher working with transition age students will submit 1 IEP.	June 11, 2011	Special Education Staff	Met February 14, 2011
<b>Activity/Procedure:</b> 3) SE will ensure special education staff receives training in the area Prior Notices. <b>Data Collection:</b> 3) SE will submit the names of those attending the training and the date of the training	June 11, 2010		Met November 16, 2010

**3month Progress Report:**

- 1) One of two files submitted required a transition assessment. The transition assessment was completed but no report summarizing the test results was completed. TA was provided 1/6/11.
- 2) One of the two files required transition to be addressed on the PLAAFP and SE staff did a fine job of documenting strengths and needs on the PLAAFP page of the IEP.
- 3) Training was conducted on May 25, 2010 by Donna Huber, Ed. Spec. The following staff

members were present: Shana Legg, Heidi Hewitt, Mary Noteboom, and Michelle Jackson. The following staff members attended the IEP workshop conducted by Chris Sargent, Rita Pettigrew and Joan Ray on January 5, 2011: Michelle Jackson, Shana Legg and Becky Stassi. **Completed 11/16/10**

#### **6 month Progress Report:**

- 1) SE submitted one file which required transition evaluation. Transition evaluation was completed and a report was written summarizing the results. **Completed 2/14/11**
- 2) Transition was documented on the PLAAFP along with academics for the 1 or 1 file which required both to be addressed in the IEP. **Completed 2/14/11**
- 3) **Completed November 16, 2010**

#### **9 month Progress Report:**

#### **4) GENERAL SUPERVISION**

##### **Present Levels:**

##### **Findings: May 17, 2010**

**ARSD24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following: (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining: (a) Whether the child is a child with a disability; and (b) The content of the child's IEP, and (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

In 4 of 6 files reviewed there was no evidence the agency conducted skill based assessments in all areas in which the student was eligible in as part of the 3 year reevaluation process. Two files did have a written report summarizing the student's annual performance. These reports did provide good general information as to the progress the student has made in such areas as academics, vocational, behaviors, and community experiences. But these reports were not dated so it was unclear as when these reports were written, how the progress was determined and who summarized the findings. Most importantly, these reports did not identify skill specifics in the area of academics that would help the team develop the IEP.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> <b>1</b> SE will conduct skill based assessments in each area of suspected disability as part of a comprehensive 3 year revaluation. <b>Data Collection:</b> <b>1.</b> Each SE special education teacher will submit one written report identifying the date written, how the skill based strengths and needs were identified, and the skill based strengths and needs that the student has in each area the student was eligible in. <b>Activity/Procedure:</b> <b>2)</b> SE will ensure special education staff receives training in the area of skill based assessment. <b>Data Collection:</b>	<p>June 11, 2011</p> <p>June 11, 2010</p>	<p>Special Education Staff</p> <p>Special Education Staff</p>	<p>Met February 14, 2011</p>

2) SE will submit the names of those attending the training and the date of the training			Met November 16, 2010
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### 3 month Progress Report:

- 1) One of the two files submitted had a written report summarizing the skill based strengths and needs. But the skill based assessment results in this report did not reflect all areas of eligibility. The report addressed adaptive behavior skills and behavioral skills but failed to address the academic strengths and needs. In the second file submitted there was no report summarizing skill based assessment. TA was provided 1/6/11.
- 2) Training was conducted on May 25, 2010 by Donna Huber, Ed. Spec. The following staff members were present: Shana Legg, Heidi Hewitt, Mary Noteboom, and Michelle Jackson. The following staff members attended the IEP workshop conducted by Chris Sargent, Rita Pettigrew and Joan Ray on January 5, 2011: Michelle Jackson, Shana Legg and Becky Stassi. **Completed 11/16/10.**

### 6 month Progress Report:

- 1) Skill based assessment was completed and summarized into a report reflecting all areas affected by the disability. **Completed 2/14/11**
- 2) **Completed 11/16/11**

### 9 month Progress Report:

## **5) GENERAL SUPERVISION**

**Present levels: May 17, 2010**

### **Findings**

**ARSD24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:(1) A statement of the student's present levels of academic achievement and functional performance, including:(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); (2) A statement of measurable annual goals, including academic and functional goals, designed to:For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student;(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and (b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

Through file review of 6 files the review team determined all areas of the IEP content were not consistently addressed. In 5 of the 6 files the Present Level of Academic Achievement and Functional Performance page the strengths and needs listed were not skill based enough to help

the team consistently develop measurable goals in all areas of eligibility. For example in file 3 the student's needs stated "...it would be recommended that student continues to work on functional math and reading."

In all 6 files the description of services did not reflect a clear description of the services the agency was committed to provide.

In each of the 5 transition age files the post secondary goals were not measurable and the course of study did not consistently reflect the years after grade 12 for those students not graduating with a regular diploma.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> 1) Agency will receive training in the area of IEP content. <b>Data Collection:</b> 1) Agency will report when training was provided, who attended and who provided training	June 11, 2010	Special Education Staff	Met November 16, 2010
<b>Activity/Procedure:</b> 2) SE will address and complete all content of the IEP including skill based strengths and needs on the PLAAFP page, measurable Post Secondary goals for transition age students, course of study for transition age students, measurable goals and description of services. <b>Data Collection:</b> 2) Each teacher will submit to team leader 1 IEP meeting each of the above areas	June 11, 2011	Special Education Staff	Met February 14, 2011

### 3 month Progress Report:

- 1) Training was conducted on May 25, 2010 by Donna Huber, Ed. Spec. The following staff members were present: Shana Legg, Heidi Hewitt, Mary Noteboom, and Michelle Jackson. The following staff members attended the IEP workshop conducted by Chris Sargent, Rita Pettigrew and Joan Ray on January 5, 2011: Michelle Jackson, Shana Legg and Becky Stassi. **Completed 11/16/10.**
- 2) One of two files submitted had specific skill based strengths and needs listed on the PLAAFP page. The transition age student's file did have a measurable post-secondary goal and a course of study. Both files had measurable annual goals. In one of the two files SE had a clear description of services. TA was provided 1/6/11.

## 6 month Progress Report:

- 1) Completed 11/16/10
- 2) All content of the IEP was addressed in material submitted by SE Behavioral Center.  
Completed 2/14/11

## 9 month Progress Report: